REMARKS

Claims 1-22 and 29-33 were previously pending in the present application. Claims 38-61 have been added for consideration on the merits and represent the pelletized composition claims previously presented in claim 1. No new matter has been added.

Applicants note that the Examiner acknowledges Applicants' election of Group I (claims 1-22 and 29-33) in paragraph 1 of the Office Action.

In paragraphs 2 and 3 of the Office Action, the Examiner rejected claims 1-6, 8-22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7, 11 of U.S. Patent No. 6,210716. In response, Applicants submit herewith a terminal disclaimer.

In paragraphs 4 and 5 of the Office Action, the Examiner rejected claims 1-3, 11-13 under 35 U.S.C. 102 (b) as being anticipated by Ludwig et al. (United States Patent No. 5,427,798).

Reconsideration is requested for the following reasons.

Ludwig is cited by the Examiner as disclosing a controlled sustained release tablet having at least on year shelf life and containing bupropion hydrochloride, hydroxypropyl methylcellulose and cysteine hydrochloride or glycine hydrochloride and as disclosing bupropion hydrochloride, hydroxypropyl methylcellulose in a tablet form. As amended, claims 1-3, 11-13 relate to ***extruded*** compositions comprising a core comprising a carrier and at least one aminoketone antidepressant. Nothing in Ludwig teaches or suggests the claimed extruded

element of claim 1 and the claims dependent thereon. Ludwig instead teaches bupropion granulates prepared by mixing bupropion particles with hydroxypropyl methylcellulose and wet granulating by spraying an aqueous solution thereon. See, e.g., Col. 2, lines 40-60. Therefore, as amended, claims 1-3, 11-13 are not anticipated by the disclosure in Ludwig.

Regarding new claims 38-40 and 48-50, these claims relate to a pelletized composition comprising a core that comprises (1) an inert carrier, having (2) at least one aminoketone antidepressant ***layered*** thereon. As mentioned above, Ludwig teaches a tablet made by compression of a wet granulate prepared by spraying a granulating solution onto a blend of bupropion and HPMC. Accordingly, Applicants respectfully submit that Ludwig does not teach, suggest or anticipate the limitations of the new claims relating to an inert carrier with at least one aminoketone antidepressant layered thereon.

In paragraph 6 of the Office action, the Examiner rejected claims 1, 4-6, 8-11 and 14-22 under 35 U.S.C. 102 (b) as being anticipated by Baker et al., Re. 33, 994.

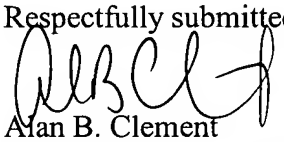
Reconsideration is requested for the following reasons.

The examiner cites Baker as disclosing a controlled release composition comprising ethyl cellulose and bupropion hydrochloride. Baker however, merely teaches a tablet that is prepared by direct compression of bupropion and lactose. See col. 5, lines 30-31. There is absolutely no disclosure of extruding bupropion with a carrier (as called for in claims 1, 4-6, 8-11 and 14-22) or a pelletized composition of bupropion layered onto an inert carrier (as called for in claims 38-61). Accordingly, Applicant respectfully submits that Baker cannot be relied on to reject the current pending claims.

Based upon the amendments to the claims, and the Applicant's remarks, Applicant respectfully submits that all of the pending claims are in condition for allowance.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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